

No. US 428-2

**Office of State Engineer**  
**DOCUMENT FILE**

Dept. Agri. - Forest Service  
Custer Co.

Priority: Aug 26, 1937

Sec. 31, T4S, R4E

0.83 acre plot

## CERTIFICATE OF CONSTRUCTION OF WORKS

and

## APPROPRIATION

U. S. Water Right No. 428-2Fald Hill Reservoir

Name of Project

Fall River Water District

TO ALL WHOM IT MAY CONCERN:

This is to Certify, that the United States of America, Department of Agriculture, Forest Service, has complied with the State Laws and has been issued a withdrawal No. WS 428 bearing date of August 26, 1939 withdrawing from further appropriation 0.53 acre-feet per annum of water for storage; of the waters of Fald Hill Draw Stream, County of Custer, State of South Dakota, at a point S. 59 30' W., 270 feet distant from the E. Cor. Sec. 31, T. 4S., R. 4E. for livestock, fish culture, fire protection, domestic, recreation purposes; has fully complied with the provisions of the laws of the State of South Dakota relating to completion of the works set out and described in Section 61.0137, that said works are completed in accordance with information filed in the office of the State Engineer, and 0.53 acre-feet per year is thereby appropriated for the above purposes bearing date of priority of August 26, 1939.

Witness my hand this 23rd day of January 1940.\_\_\_\_\_  
State Engineer.

WITHDRAWAL NO. US 428Water Division No. 2Fall River Water District

## CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date December 15, 1939By M. E. Von SeggornBald Hill Reservoir  
Project Name and NumberOFFICE OF STATE ENGINEER  
PIERRE, S. DAK.Bald Hill Draw  
Source of Appropriation  
(Stream)

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated November 17 1939 I have made a thorough examination of Bald Hill reservoir, ditch, or pipe line constructed by the United States of America, Department of Agriculture, Forest Service, Region 2, Denver, Colorado, holder of withdrawal No. US 428 issued upon Notice of Intention bearing date August 23 1939, authorizing the withdrawal from further appropriation of 0.53 acre feet, or second feet of the waters of Bald Hill Draw, tributary of Pleasant Valley Creek for livestock, fish culture, domestic, fire protection, irrigation, recreation purposes. I have to report on the condition of the same as follows:

The impounded and diversion works comprise:

Dam: Type Earth fill Foundation earth  
 Size: Max. Length 120 ft. Maximum height to spillway flow line 6 ft. Freeboard 1 ft.  
 Section: Upstream slope 2:1  
 Downstream slope 2:1  
 Top width 3 ft.  
 Yardage (Approx.) 380 cu.yds.  
 Reservoir: Area Normal Pool Level 0.14 acres  
 Capacity 0.41 acre feet  
 Nature of Shore line bare earth  
 Spillway: Type Earth channel Location right end of dam  
 Width 8 ft. Depth 1 ft.  
 Capacity 24 cubic feet per sec.  
 Outlet: Size none Control  
 Location  
 Ditches: Open Earth Open rock  
 Pipe Length  
 Section Capacity  
 Location or as shown on plans

The system is in the following condition: Fair

The outlet of the reservoir or the point of diversion of the ditch,  
canal or pipe line is located 3.59°30'W 270  
feet distant from the E<sub>2</sub> Corner of Section 31 Township 4S  
Range. 4E

The works are capable of utilizing 0.85 acre-foot of water  
annually or                      second-foot of water.

The legal subdivisions to be irrigated are                     

comprising a total of                      acres of land.

The domestic and stockwater uses comprise Household purposes and  
water for livestock

The utilization for Public recreational, game and fish propagation and  
fire protection comprises Bathing, rearing fish and water supply for fire  
fighting equipment

This project was completed 1934

Witness my hand, this 15th day of December A.D. 19 39.

M. E. Van Sledright  
Examining Engineer

Profile Centerline Spillway  
Sta. 0 plus 00, 0 plus 85, 1 plus 20  
Fall 0 1.0 2.2

LETTER OF AUTHORIZATION  
for  
Inspection

November 17 1939

M. E. Von SoggenCuster, South DakotaBald Hill Reservoir

Name of Project

Water Division No. 2

Fall River Water District

Bald Hill DrawSource of Appropriation  
(Stream)

Dear Sir:

The United States of America, Department of Agriculture, Forest Service, Denver, Colorado, having filed "Notice of Intention" to utilize certain specified waters of the State, and there having been issued a withdrawal of further appropriation as provided in Section 61.0137, 1939 Revised Code of South Dakota and identified as Withdrawal No. U.S. 423, on Bald Hill Dr. (stream) County of Custer on the Harney National Forest, has informed this office that the construction for the diversion, storage, appropriation and application of water to beneficial use has been fully completed and is ready for examination.

You are, therefore, hereby authorized to arrange with the holder of said withdrawal for an examination of the Bald Hill reservoir,

ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Harney National Forest and also an inspection to determine the amount of water stored and applied to beneficial use.

In this examination you will ascertain whether or not the constructed works comply fully with the plans submitted and are capable of using quantities of water as set forth in the "Notice of Intention", and give in complete form all the information which is suggested by the statements in the Certificate of Inspection which is herewith enclosed, in the attached instructions, and such other information as will enable the State Engineer to act intelligently and judiciously in the matter of determining the status of completion of the projects.

You should also arrange with the holder of the withdrawal for the payment of your fee for this service and such proper expenses as you incur in making this examination and report and taking the testimony.

Very truly yours,

State Engineer.

FORM 17A

WITHDRAWALS No. US 428

FORM 17A

Bald Hill ReservoirName of ProjectRECEIVED  
NOV 1 1939Water Division No. 2Fall River Water District  
OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

## NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado,Date October 27, 1939.

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Bald Hill reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service on the Harney National Forest. The project provides for the diversion and storage or direct diversion of quantities of water as shown on the plans and reports submitted and the project has been completed in accordance with the said plans and reports, terms and conditions of withdrawals heretofore issued by the State Engineer of the State of South Dakota or as shall be hereafter reported by the Examining Engineer.

1. The proper name of the Federal Agency holding said withdrawal is United States of America, Department of Agriculture, Forest Service.
2. The name and postoffice address of the proper corresponding official for said Federal Agency is Regional Forester, Denver, Colorado.
3. The project is located in SE  $\frac{1}{4}$  of Section, 31, Township 4S, Range 4E.
4. Said water to be used for livestock, fish culture, domestic, fire protection, irrigation, recreation, purposes.
5. The amount of water which said completed works are capable of impounding or conducting to the place of intended use is as shown by information previously submitted or as shall be hereafter reported by the Examining Engineer M. E. Von Seggern.
6. The amount of land for which said water is available is \_\_\_\_\_ acres, particularly described as follows: \_\_\_\_\_

I hereby certify that the facts set forth in the above notice are true.

*James L. Brownlee*  
JAMES L. BROWNLEE  
Assistant Regional Forester  
Division of Engineering

FORM A

CERTIFICATE OF WITHDRAWAL  
of  
WATER FOR APPROPRIATION  
to the  
UNITED STATES OF AMERICA  
DEPARTMENT OF AGRICULTURE  
FOREST SERVICE.

U. S. 428

Fald Hill Reservoir  
Name of Project

Water Division No. 2  
Fall River Water District  
Fald Hill Draw

          
Custor  
          
Country

Source of Appropriation - Stream

The United States of America, Department of Agriculture, Forest Service, having filed "Notice of Intention" to utilize certain heretofore unappropriated public waters of the State of South Dakota, in accordance with the requirements of the statutes of the State of South Dakota, such statutes and authority being contained in Section 61.0137 1939 Revised Code of South Dakota, now therefore:

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of Fald Hill Draw, the annual amount of 0.83 acre-feet of water to maintain storage in Fald Hill reservoir created by damming said stream at a point 8.59, 31' West, 270 feet distant from the pl Corner of Section 31, Township 48, Range 4E. The purpose of such storage is Livestock, fish culture, domestic, fire protection, irrigation, recreation

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of          a maximum of          cubic feet per second to be diverted through the          ditch, canal or pipe line at a point located on the          bank          feet distant from the          Corner of Section         , Township         , Range          for the purpose of          during the months of         .

This certificate and withdrawal shall in no manner prejudice, alter, amend or affect the rights of any prior appropriator or prior appropriation of water, nor of any application for appropriation pending on the date of this certificate, but the rights and privileges of any and all such prior appropriators or applicants for appropriation of water shall remain inviolate and intact, the same as if the within withdrawal had not been made.

This certificate shall be and is subject to cancellation in accordance with the provisions of the statutes hereinbefore referred to and under the authority of which this certificate is issued.

In accordance with the provisions of the statutes hereinbefore referred to, this certificate is executed at the State Capitol at Pierre, South Dakota, this 26th day of August 1939.

          
State Engineer

E  
WATER RESOURCES  
Water Rights

NOTICE OF INTENTION  
to the  
STATE ENGINEER  
of the  
STATE OF SOUTH DAKOTA

RECEIVED

AUG 26 1939

OFFICE OF STATE ENGINEER  
PIERRE, S. DAK

Bald Hill Reservoir Project

Denver, Colorado.

Harney Forest  
South Dakota

August 23, 1939  
Date

Notice of Intention to divert, store and appropriate water for beneficial uses from certain streams in South Dakota by the United States of America, Department of Agriculture, Forest Service.

The United States of America, Department of Agriculture, Forest Service, through its officers duly appointed to administer the National Forests in South Dakota, hereby notifies the State Engineer of South Dakota of its intentions to appropriate, by construction, diversion, storage and beneficial use, the unappropriated public waters of South Dakota, under Section 61.0137 of the 1939 Revised Code of South Dakota. Application is hereby made for the withdrawal of certain unappropriated public waters of the State of South Dakota in an amount sufficient to maintain storage in Bald Hill

Reservoir, or to satisfy the requirements of the ditch, canal or pipe line, and the following information is furnished:

1. Representative of the United States of America authorized to act in procurement of water rights.

Ans. Regional Forester, United States Department of Agriculture,  
Forest Service, Region 2, Denver, Colorado.

2. Name of intending appropriator.

Ans. United States of America, Department of Agriculture, Forest  
Service.

3. Name and address of agency representing intending appropriator.

Ans. United States Department of Agriculture, Forest Service, Region  
2, Denver, Colorado.

4. Name of reservoir, ditch, canal or pipe line.

Ans. Bald Hill Reservoir

5. County in which water is to be diverted, stored and appropriated.

Ans. Custer County

6. Name of stream from which water is to be diverted, stored and appropriated.

Ans. Bald Hill Draw

7. The outlet of the reservoir or the point of diversion of ditch,  
canal or pipe line is located S. 59°, 30' West, 270 foot  
distant from the E<sup>2</sup> Corner of Section 31 Township 4 S.  
Range. 4 E.

8. Uses to which water directly diverted or diverted and stored, is to be put.

Ans. Livestock, fish culture, domestic, fire protection, irrigation, recreation

9. The available capacity of reservoir in acre feet.

Ans. 0.41 acre feet

10. The carrying capacity of ditch, canal or pipe line in cubic feet per second.

Ans.

11. Acre foot of water to be appropriated annually for diversion and storage in reservoir.

Ans. 0.83 acre feet

12. Cubic feet of water per second to be appropriated for direct diversion by ditch, canal, or pipeline.

Ans.

13. Location of lands to be irrigated.

Ans.

14. Class of plans accompanying "Notice of Intention".

Ans. Standard plans

ALLEN S. PECK,

Regional Forester

By

  
H. W. Thompson

Acting